

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN**

**BY:** Christopher Boyle, Esquire

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASON COLLURA

: Civil Action No. 13-4066

:

v.

: **Jury Trial Demanded**

:

NICHOLAS JAMES FORD,

:

PAMELA PRYOR DEMBE, MARY POLITANO,

:

CITY OF PHILADELPHIA, STEFFEN BOYD,

:

STEVEN AUSTIN, CHARLES HOYT and

:

ROBERT J. MALVESUTO

:

:

**DEFENDANTS' PRE-TRIAL MEMORANDUM**

**I. Nature of action and jurisdiction:**

Plaintiff's Complaint alleges violation of his civil rights pursuant to 42 U.S.C. § 1983 under the Fourth and Fourteenth Amendments, and pendent state tort claims.

**II. Statement of Facts (Defendants) :**

Plaintiff, convicted of three felonies, has railed against the system, this Court, and every member of the judiciary, probation department and attorney he has ever met, insisting that a prosecution complex he has developed be given the imprimatur of a civil rights complaint by the court.

Plaintiff alleges that his probation officer Nicholas James Ford improperly changed Plaintiff's probation reporting time, "retaliated" against Plaintiff by having him undergo three

urinalysis drug screenings, wrongfully ordered a warrant for Plaintiff's arrest, and failed to provide Plaintiff notice of court hearings and mental health evaluations.

On November 8, 2005, in the Court of Common Pleas of Philadelphia County, Pennsylvania, before the Honorable Pamela Pryor Dembe, Plaintiff pled guilty to the following charges: two counts of Unlawful Use of Computer, two counts of Terroristic Threats, one count of Ethnic Intimidation and one count of Unlawful Use of Computer. Plaintiff was sentenced to 11.5 to 23 months of incarceration, followed by six years of probation supervised by the mental health unit; and seven years of probation, to be served consecutively.

The Rules of Probation and Parole in the APPD include, *inter alia*, the following: reporting to the Probation/Parole Officer as directed; responding promptly to any summons to appear in Court; obeying all federal, state, country criminal laws and city ordinances; and prohibition on unlawful possession, use, sale or distribution of controlled substances of any kind. On August 14, 2006, Plaintiff acknowledged having read these Rules.

Policies and Procedures of the Mental Health Unit of the APPD include, *inter alia*, the following: all offenders report to the office at a minimum on a monthly basis; reporting may be increased based on stability and compliance; all offenders should be given a drug test on the first office visit; within 24 hours of one missed appointment, the APPD officer will send an arrest warning letter directing the offender to report within one week of the missed appointment; if the offender fails to appear for the rescheduled appointment, a warrant must be issued.

On April 12, 2012, Plaintiff met for the first time with Defendant Ford, his then-newly-assigned probation officer in the Mental Health Unit of the APPD. During this meeting, Mr. Collura was argumentative, non-responsive and confrontational. Plaintiff was also lawfully and properly given a urinalysis drug screening for controlled substances in accordance with the

Mental Health Unit policy concerning drug screenings, and in order to evaluate Plaintiff's compliance with the Rules of Probation and Parole, which prohibited Plaintiff from using controlled substances.

Plaintiff comes before the court a convicted felon on probation, who chooses to rail against the system and all its members, rather than develop evidence to support his claims. While his pro se status does nothing to limit his constitutional rights, it gives him no lesser burden of proof, either. His endless rants are entitled to no evidentiary weight, and defendants will establish that plaintiff has always been treated professionally, respectfully and lawfully.

**III. Damages:**

It is Defendants' position that Plaintiff has suffered no constitutional harm, and is therefore not entitled to recover any damages.

**IV. Witnesses:**

1. Plaintiff, Jason Collura;
2. Defendant, Nicholas Ford;
3. Defendant, Mary Politano;
4. Defendant, Steffen Boyd;
5. Defendant, Steven Austin;
6. Defendant, Charles Hoyt;
7. Defendant, Robert Malvesuto;
8. Such other witnesses as identified by Plaintiff

**V. Exhibits:**

- A. Docket for Case No. CP-51-CR-1006821-2005
- B. Docket for Case No. CP-51-CR-0902671- 2005
- C. Plaintiffs Signed Guilty Plea Documents,

- D. August 14, 2012 Gagnon II Hearing Summary,
- E. Presentence report for plaintiff
- F. August 8, 2006 Probation Facesheet
- G. Rules of Probation and Parole
- H. Policy and Procedure for Mental Health Supervision
- I. Affidavit of Nicholas Ford
- J. June 14, 2012 Fax from Jules DeCruz of CHMC to Steffen Boyd and Statement of Mary Politano
- K. APPD Warrant Request Form
- L. June 15, 2012 Gagnon I Hearing Summary
- M. Authorization to Remove Probation Warrant
- N. Hearing Notification
- O. Hearing Notification
- P. Arrest Warrant Warning
- Q. September 6, 2013 Gagnon II Hearing Summary,
- R. October 31, 2013 Gagnon II Hearing Summary
- S. Plaintiff's Complaint

**VI. Estimated time for trial:**

Two days for the defense, four days overall.

**VII. Special Comments:**

The parties motions for summary judgment, motions to compel, and plaintiff's appeal to the Third Circuit, remain outstanding.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN**

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Attorney for Defendants, Nicholas J. Ford,  
Mary Politano, Steffen Boyd, Steven Austin,  
Charles Hoyt and Robert J. Malvesuto

DATE: September 10, 2015  
LEGAL/101791851.v1

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER BOYLE, ESQUIRE, do hereby certify that a true and correct copy of Defendants' Pre-Trial Memorandum, was forwarded to Plaintiff on September 10, 2015 at the below listed address:

Jason Collura  
P.O. Box 934  
Philadelphia, PA 19105

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN**

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